

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEON COLEMAN,

Plaintiff,

Case Nos. 17-11730, 17-12110

v.

Hon. Arthur J. Tarnow

RICHARD SNYDER, et. al.,

Defendants.

ORDER CONSOLIDATING CASES

Plaintiff initiated a suit under 28 U.S.C. § 1983 by filing a 25-page complaint that was docketed as Case No. 17-11730. On June 21, 2017, this Court entered an order requiring Plaintiff to file enough copies of his complaint to enable service on Defendants. On June 27, 2017, Plaintiff filed a 36-page version of his complaint that did not include his prior case number. The second complaint makes the same general allegations as the first one, but it includes a larger set of exhibits. The second complaint was docketed as a new case under Case No. 17-12110. The Court will construe Plaintiff's latest complaint, which contains additional exhibits, as an amended complaint for Case No. 17-11730.

Federal Rule of Civil Procedure 42(a) provides as follows:

(a) Consolidation. When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

Fed. R. Civ. P. 42(a).

It is within the discretion of the district court to determine whether cases involving the same factual and legal questions should be consolidated. *Stemler v. Burke*, 344 F.2d 393, 396 (6th Cir. 1965). In the instant case, Plaintiff intended to pursue a single action against the defendants. The Court will therefore consolidate the two cases pursuant to Federal Rule of Civil Procedure 42(a).

IT IS ORDERED that case numbers 17-11730 and 17-12110 are hereby **CONSOLIDATED**. The Clerk of the Court shall docket a copy of this order in both cases.

IT IS FURTHER ORDERED that the Clerk shall also docket all of the documents filed in case 17-12110 in case 17-11730. All future documents shall be filed under case 17-11730.

IT IS FURTHER ORDERED that case 17- 12110 is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that Plaintiff will be given 30 days from the date of this order to comply with the Court's order of June 21, 2017, regarding his filing deficiency, or the case may be subject to dismissal.

s/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: July 7, 2017